UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

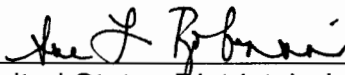|	
MOBILEMEDIA IDEAS LLC,	)
	)
Plaintiff,	)
	)
v.	) Civ. No. 10-258-SLR/MPT
	)
APPLE INC.,	)
	)
Defendant.	)

O R D E R

At Wilmington this 16th day of September, 2013, having reviewed the Report

and Recommendation issued by Magistrate Judge Thynge in connection with the issue

of whether the Protective Order entered into by the parties to the above captioned

litigation was violated by plaintiff and its experts, as well as the responses thereto;

IT IS ORDERED that the Report and Recommendation (D.I. 457) is adopted and

the plaintiff's objection rejected, as I agree with Judge Thynge that plaintiff's

interpretation of the Protective Order is nonsensical. To wit, the provision of the

Protective Order in dispute provides that "[t]he Receiving Party shall not print Source

Code to review blocks of Source Code elsewhere in the first instance, i.e., as an

alternative to reviewing that Source Code electronically on the Source Code Computer."

This language is not difficult to understand and its purpose is clear: absent agreement

otherwise, plaintiff was not to print defendant's Source Code. For plaintiff to argue that,

while it could not print Source Code, its non-testifying expert could, is not a reasonable

(perhaps not even a credible) argument in my experience. Therefore,

IT IS FURTHER ORDERED that defendant's request for expenses under Rule

37 (D.I. 436) is granted to the extent explained in the Report and Recommendation.

On or before September 30, 2013, plaintiff shall pay to defendant $13,682.08 in

expenses.

_____
United States District Judge

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